

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

STEFAN WOODSON,

Plaintiff,

v.

Case No. 3:13CV134-REP

CITY OF RICHMOND, VIRGINIA, *et al.*

Defendants.

**PLAINTIFF'S CORRECTED MOTION FOR LEAVE TO FILE A THIRD AMENDED
COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15 and/or 16, Plaintiff, Stefan Woodson, by counsel, hereby submits a Motion for leave to file a Third Amended Complaint, and for grounds states:

1. This case arises out of a devastating brain injury sustained by Plaintiff while he was in the custody and control of Sheriff Woody and his deputies, and under the care of CCS, its health care staff, and Dr. Moja.
2. Plaintiff suffered serious, permanent, and debilitating disabilities as a result of this injury.
3. All previously set deadlines have been suspended by the Court in light of the Court's granting leave for Plaintiff to file a Second Amended Complaint on January 10, 2014.
4. At this time the Court has not issued a new scheduling order.
5. Justice requires and good cause supports the amendment proposed herein.
6. CCS and Dr. Moja have, at all times since the inception of this litigation, known which members of the CCS Medical Staff were responsible for Mr. Woodson in the days preceding his injury.
7. Upon information and belief, CCS and Dr. Motsumi Moja and the proposed Defendant

CCS Health Care Staff have at all times known which members of the CCS Health Care Staff specifically ignored and were otherwise deliberately indifferent to Mr. Woodson's serious needs for care, attention and relief from extreme heat.

8. Plaintiff was without information specifically implicating the action of certain members of the CCS Medical Staff until the late afternoon of January 9, 2014. On January 9, 2014, Plaintiff obtained the CCS Nurses' log, previously represented on the record by CCS's counsel to have been "disposed of". This log provided the first, direct documentation in this case that CCS Health Care Staff ignored and otherwise failed to follow Dr. Moja's order to monitor Stefan Woodson's serious medical condition following July 5, 2012. The logs identify twenty-two members of the CCS Medical Staff who, upon information and belief, acted with deliberate indifference in not monitoring Mr. Woodson as his condition became life-threatening.

9. Nurses Carolyn Williams and Linda Stanford, respectively the Jail's Director of Nursing and Health Services Administrator, each acted with deliberate indifference toward Plaintiff by not reasonably ensuring that the most basic policies and procedures regarding nursing practices, health care, and basic patient observation and checkup during periods of extreme heat were implemented and followed.

10. Plaintiff hereby requests leave to file the proposed "Third Amended Complaint."

11. The proposed "Third Amended Complaint" relates back to the date of the Amended Complaint.

12. The statute of limitations in this case does not run until July 9, 2014.

13. The proposed Third Amended Complaint asserts only claims arising out of the conduct (i.e. action or inaction) set out—or attempted to be set out—in the Amended Complaint.

14. The proposed amendment changes the parties or the naming of the parties against whom claims were previously asserted due to recently discovered facts.

15. The proposed amendment adds factual detail to previously asserted allegations based on the recent discovery of evidence.

16. There is good cause for the amendment requested herein, as such amendment will substantially promote the ends of justice in this case.

17. Upon information and belief, CCS, Dr. Moja, and the named members of the CCS Health Care Staff have had actual and/or constructive notice of this action and the claims asserted herein and will not be prejudiced in defending on the merits.

18. The members of the CCS Health Care Staff knew or should have known that, but for insufficient information regarding the identity of the specific members of the CCS Health Care Staff who ignored Mr. Woodson, this action would have been brought against them initially.

19. Mr. Woodson is not acting with a dilatory motive or in bad faith in requesting this amendment, but rather requested this amendment as soon as it had definitive evidence of the appropriate parties, which was received for the first time on January 9, 2014.

20. Pursuant to Federal Rule of Civil Procedure 15(a)(2) leave to amend should be freely given if the ends of justice so require.

21. Pursuant to Federal Rule of Civil Procedure 16(b)(4), a case schedule may be modified upon a showing of good cause and by leave of the district judge. The above conduct of late and out-of-time production by defendants CCS and Moja clearly justify a finding of good cause for Plaintiff's proposed amendment.

WHEREFORE the plaintiff, moves the Court to for leave to amend to name certain members of the CCS Health Care Staff as defendants, and to accept for filing the Third Amended

Complaint.

Respectfully submitted,

STEFAN WOODSON

/s/

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CERTIFICATE

I hereby certify that a true copy of the foregoing was emailed this 13th day of January, 2014 to:

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